IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX REFERENCE NO. 229 OF 1996.

The Commissioner of Income Tax..... Applicant.
vs.
M/s Tilaknagar Distilleries
& Industries Ltd. ..... Respondent.

Shri Parag Vyas u/b H.D. Rathod for the applicant.

CORAM : V.C.DAGA AND J.P. DEVADHAR, JJ.

DATED : 29th August 2005.

P.C. :

. By this reference under section 256(1) of the Income-tax Act, 1961, the Income Tax Appellate Tribunal has referred the following question of law for the opinion of this Court:

> . Whether, on the facts and in the circumstances of the case, the Tribunal was right in law in allowing relief of Rs.62,724/- u/s 80-J of the Income-taxAct even when the investnment was not made out of self-generated fund but only from borrowed capital?"

. In view of the judgment of this Court in the case of **C.I.T. vs. M/s Pithwa Engg.Works**, **(2005) 276 ITR 519(Bom),** wherein this Court has relied upon earlier decision of this Court in the case of **C.I.T. vs. Camco Colour Co.** (2002) 254 ITR 565, we do not think it necessary to answer the reference made to this Court for the Assessment Year 1983-84, having negligible tax effect. Accordingly, reference stands returned unanswered with no order as to costs.